

REMARKS

Claims 1-14 are pending in this application. Claims 1-14 stand rejected. In light of the arguments set forth below, Applicants respectfully submit that each of the pending claims is in immediate condition for allowance.

Claims 6 and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,104,936 ("Kronestedt"). Applicants respectfully request reconsideration and withdrawal of this rejection.

To anticipate a claim under 35 U.S.C. § 102, the cited reference must disclose every element of the claim, as arranged in the claim, and in sufficient detail to enable one skilled in the art to make and use the anticipated subject matter. See, PPG Industries, Inc. v. Guardian Industries Corp., 75 F.3d 1558, 1566 (Fed. Cir. 1996); C.R. Bard, Inc. v. M3 Sys., Inc., 157 F.3d 1340, 1349 (Fed. Cir. 1998). A reference that does not expressly disclose all of the elements of a claimed invention cannot anticipate unless all of the undisclosed elements are inherently present in the reference. See, Continental Can Co. USA v. Monsanto Co., 942 F.2d 1264, 1268 (Fed. Cir. 1991).

Among the limitations of independent claims 6 and 7 not present in the cited reference is deterioration rate calculating means for calculating a deterioration rate of the entire system after a tilt angle of the antenna selected by the first antenna selecting means where the second antenna selecting means is changed.

To anticipate a claim under 35 U.S.C. § 102, the cited reference must disclose every element of the claim, as arranged in the claim, and in sufficient detail to enable one skilled in the art to make and use the anticipated subject matter. See, PPG Industries, Inc. v. Guardian Industries Corp., 75 F.3d 1558, 1566 (Fed. Cir. 1996); C.R. Bard, Inc. v. M3 Sys., Inc., 157 F.3d 1340, 1349 (Fed. Cir. 1998). A reference that does not expressly disclose all of the elements of a claimed invention cannot anticipate

unless all of the undisclosed elements are inherently present in the reference. See, Continental Can Co. USA v. Monsanto Co., 942 F.2d 1264, 1268 (Fed. Cir. 1991).

As recited in independent claim 6, Applicants recite a deterioration calculating means. The deterioration rate calculating means is calculated by first calculating the coverage deterioration rates of the antennas and a deterioration rate of the entire system after tilt angles are changed. The deterioration rate is based on the coverage deterioration of the antennas once the tilt angle is changed.

In contrast, in Kronestedt, an interference measurement filter generates an overall interference measurement for each of the candidate base station antenna tilt signals based on the uplink interference measurement the mobile switching center or base station controller receives from the base station. However, the interference measurement is not the deterioration rate explicitly recited in Applicant's claims. Thus, claim 6 is allowable over Kronestedt.

Claims 1-5 and 8-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kronestedt in view of U.S. Patent No. 6,282,434 ("Johannisson"). Applicants respectfully request reconsideration and withdrawal of this rejection.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or combine references to arrive at the claimed subject matter. The prior art references must also teach or suggest all the limitations of the claim in question. See, M.P.E.P. § 706.02(j). A reference can only be used for what it clearly discloses or suggests. See, In re Hummer, 113 U.S.P.Q. 66 (C.C.P.A. 1957); In re Stencel, 4 U.S.P.Q.2d 1071, 1073 (Fed. Cir. 1987). Here, the references, whether taken individually or in combination, do not disclose or suggest the invention claimed by the Applicants.

As discussed above with respect to claim 6, Kronestedt is silent as to a deterioration rate. In Kronestedt, only interference is calculated with respect to antenna tilt not deterioration. At no time does Kronestedt consider coverage deterioration. The addition of Johannisson fails to cure the deficiency in Kronestedt noted herein. Thus, the combination of Kronestedt and Johannisson fail to disclose each and every limitation in Applicants' pending claims.

Therefore, Applicants respectfully submit that each of these claims is allowable over the cited combination.

Applicants have responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Application No.: 10/528,070

Docket No.: Y1929.0106

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

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Respectfully submitted,

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